

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

PAUL ROMANO, JR.)	
)	
Plaintiff,)	
)	C.A. No.06-573-JJF
v.)	
)	Trial Jury Demanded
COUNSELOR NFN TOLSON,)	
et al,)	
)	
Defendants.)	

STATE DEFENDANT'S MOTION TO DISMISS

State Defendant, Doreen Williams, by and through undersigned counsel, respectfully moves this Honorable Court to enter an Order dismissing Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12 (b) (6) for failure of the pleading to state a claim upon which relief can be granted. In support of the Motion, State Defendant presents a Memorandum of Points and Authorities, filed simultaneously herewith.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Ophelia M. Waters
Ophelia M. Waters, ID#3879
Deputy Attorney General
Department of Justice
820 N. French Street, 6th Floor
Wilmington, Delaware 19801

Attorney for State Defendant

Dated: December 22, 2006

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PAUL ROMANO, JR.)	
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Plaintiff,)	C.A. No.06-573-JJF
)	
v.)	Trial Jury Demanded
)	
COUNSELOR NFN TOLSON,)	
et al,)	
)	
Defendants.)	

ORDER

AND NOW, this _____ day of _____, 2006, the Motion to Dismiss filed by state defendant Williams in the above-captioned matter having been duly considered, and any opposition thereto, is granted; and,

IT IS ORDERED that plaintiff's claims against State Defendant Williams be dismissed, with prejudice.

The Honorable Joseph J. Farnan, Jr., Judge
United States District Court

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2006, I electronically filed the State Defendant's *Motion to Dismiss with memorandum of points and authorities*, with the Clerk of Court using CM/ECF. I hereby certify that on December 22, 2006, I have mailed by United States Postal Service, the document to the following non-registered participant: Paul Romano; SBI#; 00172653, Plummer Community Correction Center, 38 Todds Lane; Wilmington, DE, 19801.

/s/ Ophelia M. Waters

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